

EXHIBIT H

A & E LEGISLATIVE REVIEW COMMITTEE MEETING

October 22, 2003 / 10:00 AM

10th FLOOR CONFERENCE ROOM

MINUTES -- MEETING #1

Present: See attached sign-in list
Representative John Cook, Chair
Representative Anthony Cobos, Member
Representative Susan Austin, Member
Meeting started @ 10:10 am

Representative Cook mentioned this meeting is a result of Mayor Wardy's desire to implement changes, adding he is in disagreement with this and feels the selection process is already o.k., but can be tweaked to make it better. He stated this should be a two-step process and the first step is from staff, but he wants to know what the Engineers & Architects think about the staff and the selection process. He asked for Mr. Drusina's comments.

Drusina:

Stated he's been involved with this matter since he started working for the City and before that with other agencies. He feels if we can improve the selection process we should, or at least analyze it to see if we can make it better. This is a great opportunity for firms to state their opinion and it is worth discussion, even though ultimately the decision will lie with Mayor and Council. They will be hoping for an explanation as to why this step was made as opposed to how it was done before.

Adauto:

Thanked members of local chapters of different Engineering and Architectural Societies who met with her, Raymond Telles, Assistant City Attorney and Irene Ramirez, Engineering, to supply input. The Mayor has asked her to look at the A&E Selection process and meet with the community to find out what their concerns are. She stated the comments she received fell within four different areas:

1. Rotation of firms. It was the consensus that not every firm was getting an opportunity, and the larger firms were being favored.
2. Some firms wanted to look at a different way to handle the submitting process. They felt the cost to submit a proposal was too costly just to get identified.
3. The volume of project increase. Smaller projects could go to firms already qualified.
4. Change within Committee itself, stating it should be made up of more technical experts instead of staff, and eliminating City Council members from the committee.

She stated Irene Ramirez and Raymond Telles looked at this process with her for the past three months, and they have re-written a draft of the Ordinance according to the comments she received. She passed a copy of the draft Ordinance and asked if she could start by reviewing each section of the Ordinance and the changes proposed.

Section 2.88.030:

Pre-Qualification of Firms

Exhibit "F" is a survey of other cities and how they run their selection process, adding that cities such as San Antonio, Austin, Dallas, Tucson, Phoenix and Albuquerque did not have any City Council members on their committees. Firms go through a pre-qualification process only once, and any change can be updated at any time under an open process. The responsibility to keep the information current will lie on the firms, and if the information is not updated the City may determine them to be "non-responsive".

Q&A

Q) Who will determine during the qualification process which firms get qualified? A) Engineering Department. Pre-Qualification is strictly with the firms and they may be qualified in two levels, depending on cost of the work done; explained in Attachments A through L on page 2 of the Draft Ordinance. A separate application will be required for each firm to get pre-qualified under each discipline, not each project. If the project is over \$500,000, the firms would get notice of the project. There would also be a provision to submit proposals from new firms who want to be pre-qualified, but no award can be granted until the firm can be pre-qualified.

Q) Will there be an appeal process? A) Yes, everything in the Ordinance has an appeal process and ultimately will be heard by City Council. There is a chance for an informal process, but if not satisfied the firm may submit their appeal to City Council.

Q) Will the City give notice to all firms, even if they are not pre-qualified? A) Yes, the City will give notices to all firms, pre-qualified or not.

Q) After pre-qualifying in a project in excess of \$500,000, is there an opportunity for cost submittals at the proposal stage? A) No, that will work the same way the City does it now.

Q) Will the City provide a request to get Pre-Qualified under a discipline? A) Yes, it is already attached to this proposed Ordinance. This is the stage of the process where firms tell the City who they are, in a 20-page report, and identify themselves.

Q) There exists now a special team for a special project. How is this procedure lined up in this process? A) For example, to build an arena will require architects, civil engineers, and multiple experts. This type of project would fall under the Special Projects Discipline. On any project that will require special consultants, those special consultants would have to get pre-qualified. We don't want to do presentations for small projects so staff is not burdened with this part of the process. This reduces the number of meetings and allows staff to focus on their jobs.

Q) How do we make sure there is good rotation among the firms? A) Mr. Telles stated that under the current Legislation, a "list" is not permitted.

Section 2.88.040:

Selection of Highest Qualified Firm – Projects with Total Budgets Under \$500

When the City Engineer selects a firm and the firm refuses, the firm will be prohibited from making submissions for any projects for one year, under "inability to perform". This is so as to encourage firms to take work as it comes and not want to wait for the bigger jobs.

Q) What's the future for open-end contracts if this is adopted? A) The City would then have the flexibility to pick up someone on the spot.

At this point Adrian Ocegueda stated he had to leave to another meeting but had a message from the Mayor. The Mayor has reviewed this Ordinance and said this is the best piece of work out of the City yet, since he's been in office. This is a good start to make the process more equitable and fair.

Section 2.88.050:

Selection of Highest Qualified Firm – Projects with Total Budgets Over \$500

In this section, project submittals shall be provided by each firm to the City Engineer and prior to a closing date, the City Engineer shall forward the submittals to the Evaluation Committee. But, if

less than four responsive submittals are initially provided to the City Engineer, they shall be provided directly to the Selection Committee.

There was discussion that if there are five firms, the last two firms will have a disadvantage in that the presentations are lengthy, and the Committee tires after the first three. It was commented that maybe the presentation time should be shortened, and maybe the presentation period should be extended over a two-day period, but this Ordinance shortens the presentation time.

Q) How is it determined which firm goes first? A) By drawing lots.

Section 2.88.060:
Evaluation and Selection of Committees

One person cannot serve on both panels within the same project. The City's CAO will have the Funding and evaluations of projects.

Q) Why is the CAO on a committee, as wasn't the whole purpose to have only technical experts on the committee?

A) The CAO will be there to address the issues of funding and operational costs.

Section 2.88.070:
Evaluation Factors

Both the Evaluation and the Selection Committees shall utilize the evaluation factors within this section in compiling the numeric score for each firm.

It was commented that item #3, "Identify Problems and Solutions" should be deleted in its entirety and be placed within #1 and #2. One member of the audience stated it is actually against the law to provide free services in order to secure a project. It is unprofessional behavior to go to an interview saying you know how to fix a problem, and it should be prohibited to discuss. He said that a track record should be more important than any promises made, and firms should be qualified to do a job and should be able to identify problems within a job. Mr. Gonzalo Cedillos, City Engineer, stated this is to make sure that applicants understand the challenges within a project, and they are looking more for an opportunity to state what the challenges are in a project, rather than to have the firm give us answers. He would like firms to tackle a problem fast and make a profit, and not come back and forth asking for directions or discussions on problems.

Section 2.88.080:
Evaluation of Firms

Mrs. Adatao directed our attention to Exhibit D, stating the Evaluation Committee shall be provided with the copies of each firm's submittal, a score sheet and a Code of Conduct Statement.

It was commented that under this section, it seemed that one person could prevent or ensure that a firm be rejected or selected, and maybe the submittals should not have the names of the firms on them, but rather numbers, such as Submittal #1, Submittal #2, and so forth. It was also commented that the Evaluation Committee's results be made public, and should be made available to all firms, not have the firms request it. There was also discussion as to whether scores should be turned in after EACH presentation or after the entire presentations by all firms.

Q) Rather than have in-house staff do this, why not have totally independent people looking at the submittals? A) It would be difficult to compensate them, and the City has qualified people to do this and it is a city project.

Q) Can discussion be had in reference to why a firm got the score they got? A) Scoring should be done during the presentation, and there is no discussion during the scoring. The only discussion should take place if there is a tie, when discussion and re-voting takes place.

At this time a member of the audience stated they also must leave to another meeting, and in that it was already almost noon, it was decided that this meeting should be adjourned and rescheduled for continuation at a later date. The meeting was adjourned at 11:50 am.